DOCUMENT RESUME

ED 109 776 EA 007 364

TITLE A Guide to Student Rights and Responsibilities in the Department of Defense Overseas Dependents Schools System.
INSTITUTION Dependents Schools (DOD), Washington, D.C.
PUB DATE 75
NOTE 26p.; Developed at the Writing Conference for Draft Guidelines on Student Rights and Responsibilities (Washington, D.C., July 14-18, 1975)

EDRS PRICE MF-$0.76 HC-$1.95 PLUS POSTAGE
DESCRIPTORS Cocurricular Activities; *Discipline; Dress Codes; Elementary Secondary Education; Expulsion; Freedom of Speech; Governance; *Guidelines; Search and Seizure; *Student Participation; Student Records; *Student Responsibility; *Student Rights; Suspension

ABSTRACT

This draft was developed by educators, parents, administrators, students, and Office of Overseas Dependents education representatives. It is designed to serve as a guide for the local development of handbooks regarding student rights and responsibilities. The draft, which will be reviewed after recommended revisions are received, is very broad because it must apply to all schools and all communities. It presents statements of student rights and responsibilities under the general headings of access to learning, freedom of expression, student governance, school records, school discipline, relationship with nonschool agencies, and resources. (Author/IRT)

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A GUIDE TO STUDENT RIGHTS AND RESPONSIBILITIES

IN THE

DEPARTMENT OF DEFENSE

OVERSEAS DEPENDENTS SCHOOLS SYSTEM

Developed at the
July 14-18, 1975
Writing Conference for
Draft Guidelines on
Student Rights and Responsibilities

Dr. Anthony Cardinale, Chairperson
Director, Office of Overseas
Dependents Education

EA 007 364

DEPARTMENT OF DEFENSE
OFFICE OF OVERSEAS DEPENDENTS EDUCATION
WASHINGTON, D.C. 20301

18 JUL 1975

The attached draft of "A Guide to Student Rights and Responsibilities in the Department of Defense Overseas Dependents Schools System" was developed by educators, parents, administrators, students and Office of Overseas Dependents Education representatives from the Atlantic, European and Pacific areas at a meeting held in Washington, D. C., on July 14-18, 1975. The draft was designed to serve as a guide for the local development of handbooks regarding student rights and responsibilities. Consequently, this draft is very broad for it must apply to all schools and all communities. It is designed to assist school communities in identifying areas of concern that should be addressed in the further development of local student rights policy.

This draft is being distributed to all of the DoD Overseas Dependents Schools and to interested organizations in the military community. In addition, it will be informally reviewed by the various offices within the Department of Defense, including the Military Departments.

The draft will be reviewed in the summer of 1976 after the recommended revisions are received.

Anthony Cardinale
Director

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This is a copy of a review statement to be signed by an official of a group or organization (e.g., O.E.A., Student Council, Parent Club) once guidelines have been reviewed and endorsed by the entire group. This form would need to be forwarded to the Area Representatives by 1 February 1976.

REVIEW STATEMENT FOR STUDENT RIGHTS AND RESPONSIBILITIES,

DOD OVERSEAS DEPENDENTS SCHOOLS

To: Task Force Area Representative
(see attached list of names and addresses of area representatives)

Subject: Draft Guidelines of Student Rights and Responsibilities for DoD Overseas Dependents Schools

The draft proposed guidelines have been reviewed by the members of our group, _____(name of group), representing the interests of _____(teachers, students, parents, principals, etc.).

_____ _____
(Signature of Official Representing the group or organization) (date)

Specify Any Recommended Revisions or Additions to Item Statements Suggested by the Membership: _____

_____

_____

_____

_____

(Type the full name of the group or organization and the mailing address for future correspondence) _____

_____

_____

_____

(Note: Additional pages may be added.)

Addresses of Representatives

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Overview of Activities of Student Rights and Responsibilities Task Force

Dates	Activity
16 June 1975	Geographical Area Representatives send Status Report of Major Items to OODE and other Area Representatives.
July 1975 July (14-18)	Conference to develop draft guidelines of student rights and responsibilities for use in the Department of Defense Overseas Schools.
18 August 1975 (date)	Send draft document of guidelines for student rights and responsibilities to various groups for review and formal comment.
1 February 1976 (date)	Last date for teacher, student, parent, principal and other groups to submit Review Statement indicating any recommended revisions or additions for the draft guidelines.
15 March 1976 (date)	Last date for Area Representatives for Student Rights and Responsibilities to send review comments of the draft guidelines to OODE Representative.
15 May 1976 (date)	Consolidated Report of recommendations for revisions and changes to the draft guidelines sent to the Area Representatives.
July 1976	Conference to revise draft guidelines of student rights and responsibilities based on recommendations for revisions.
*August 1976	Printing of several thousand copies of the final guidelines.
September 1976	Dissemination of the final guidelines document to all DoD Overseas students, teachers, principals, other school staff, interested parents and other groups.

*(If major revisions are made, and more discussion is needed to reach a consensus, the time table will be amended for six months to a year to allow for appropriate discussion, review and final consensus before printing and distribution of the guidelines.)

INTRODUCTION

Student involvement in the educational process is a basic right. Active involvement of students in their education, including planning and evaluation, fosters a spirit of inquiry where students may freely express their own views and listen to and evaluate the opinions of others. The school staff, parents or sponsors, installation commanders, and students have the responsibility to work together so that all students develop to their full potential.

To achieve this potential, it is necessary that we strive to develop in students an appreciation of the democratic way of life. We must attempt to avoid the extremes of regimentation and authoritarianism on the one hand and anarchy and irresponsibility on the other.

These guidelines have been developed in order to provide a firm understanding of the rights and responsibilities of all students in Department of Defense Overseas Dependent Schools by everyone in the school community.

These guidelines are general statements of principle and may be subject to limitations imposed by the laws or customs of a host nation or by the general authority of the installation commander.

This document is a draft and will receive wide dissemination to all interested parties. Recommendations for additions and deletions are encouraged.

II. ACCESS TO LEARNING

RIGHTS TO AN EDUCATION

Rights:

All students are entitled to an educational program comparable to those offered in public schools in the United States. In accordance with pertinent directives and regulations governing eligibility for enrollment this right extends to pregnant, married, and handicapped students in grades K through 12. It also assures that students who have been expelled have a right to seek alternate means of obtaining an education.

Students who have dropped out of school and are still within eligibility regulations may return to school. Students have the right to be informed of their educational progress and deficiencies, to receive regular teacher evaluations, and to have assignments and tests evaluated and returned.

Students have the right to make decisions where options are available regarding their own course of study.

Responsibilities:

Students have the responsibility to conduct themselves in a manner which does not violate the rights of other people. They share with administrators and teachers the responsibility of developing a climate within the school that is conducive to productive learning and living.

It is the responsibility of students to attempt to complete the courses of study necessary for programs they have agreed to pursue. Students and parents must be responsible for regular class attendance, for maintaining properly the textbooks and other equipment issued by the school, and for accepting just and appropriate consequences if responsibilities are not fulfilled.

RIGHTS OF EIGHTEEN YEAR OLDS IN SCHOOL

Rights:

The rights of all students as to conduct during common school activities are subject to a single set of reasonable rules and regulations and subject to authority of school officials.

Individual rights are affected by the unique regulations created by current federal laws and judicial decisions concerning minor or adult status.

III. FREEDOM OF EXPRESSION

FREE EXPRESSION - ORAL, WRITTEN, SYMBOLIC

Rights:

Students have a right to free inquiry and free expression of ideas. Free expression is not to be restricted unless its exercise interferes with the orderly conduct of classes, school work, or the host nation environment. This free expression must be cognizant of the standards of the community.

In keeping with U.S. trends and court decisions, students may decline to recite the Pledge of Allegiance or refrain from saluting the American flag so long as they respect the rights of others who wish to do so.

Religious activities are not part of the school program; however, a religious document as a work of literature can be studied.

Responsibilities:

Students are responsible for the content of their expression and for assuring that such expression does not interfere with the freedom of others to express themselves. They have a responsibility to avoid libel, slander, obscenity, known falsehood, or disregard for truth.

Students also have a responsibility to show proper respect for those who wish to participate in the flag salutes or patriotic ceremonies, and to respect the customs and flags of all nations.

PERSONAL APPEARANCE

Rights:

Students have a right to dress or to wear hair styles as they please, so long as such dress or hair style will not endanger the health or safety of themselves or others or be clearly disruptive to the educational process. Thus, school officials could prohibit such things as bare feet or require such things as the wearing of protective head gear in certain career education courses. Students have a right to participate with school officials and parents in the development and dissemination of written policies concerning student dress and appearance.

Responsibilities:

Student dress and appearance are a responsibility of students and their parents, both of whom should assure that neither dress nor appearance pose a health, sanitation, or safety hazard to the student or is disruptive to the educational process.

Students have a responsibility to assure that their dress or appearance does not violate any reasonable requirement for a specific class or activity.

Students have a responsibility to participate with school officials and parents in the development and dissemination of written policies concerning student dress and appearance.

IV. STUDENT GOVERNANCE

STUDENT GOVERNMENT AND INVOLVEMENT

Rights:

Students have the right to establish and to participate in a student government that provides all students a voice in school affairs through a representative system. Student government should represent the interests of students in the formulation of such school policies as related to curriculum development, discipline, and others ... cooperative effort with the school faculty and administration.

It is the right of any student to question, examine, and debate any issue relating to school environment or to the policies, practices, and proposals of the school, and to expect a direct and reasonable response. A student who is not satisfied with the response may ask the next higher school authority.

Responsibilities:

It is the responsibility of students to be involved in student government, to participate in seeking and disseminating information concerning issues they raise, and to be responsible for pursuing their inquiry.

STUDENT ACTIVITIES

Rights:

Students have the right to participate in the planning of school activities. How such participation is to take place should be determined by student organizations and school officials. The determination of activities is to be based on student interest. Activities should be approved by a student committee and the school administrator.

Approved activities can function as long as their proceedings are in accordance with the conditions and policies agreed to by the student committee and school administrator. Participation in school activities is guaranteed to all students.

Responsibilities:

Students have the responsibility of assuring that activities in which they participate meet the conditions agreed to by student committees and the school administrator.

SCHOOL PROPERTY AND USE OF FACILITIES

Rights:

Students have a right to the use of school facilities, equipment, and services for student planned activities scheduled in consonance with the school activity program.

Responsibilities:

Students have the responsibility for adherence to reasonable regulations governing the conditions for such use.

OFF-CAMPUS EVENTS

Rights:

Students have a right to attend and participate in school-sponsored off-campus events and to participate in determining the conditions under which those events take place.

Responsibilities:

Students at school-sponsored off-campus events have the responsibility to act in accordance with school rules and regulations.

ANTIDISCRIMINATION

Rights:

The right of students to participate fully in classroom instruction and in school activities shall not be abridged or impaired because of sex, race, color, national origin, or religion. All students have the right to fair and equal opportunities in all educational and extra curricular activities (including number, quality, type, range and support).

Students have the right to learn in an atmosphere free of the narrowing and stifling influences of social, religious, and ethnic prejudice.

Responsibilities:

Students have the responsibility to foster good human relations within the school by practicing courtesy and tolerance in their dealings with each other and members of the school staff.

V. SCHOOL RECORDS

MAINTENANCE, COLLECTION & DISSEMINATION OF STUDENT RECORDS

Rights:

It is the right of students to expect the school to maintain an official academic record for each student enrolled. This record should contain official data pertinent to understanding the student's educational history, e.g., name, birth date, academic work completed and grades received.

The student has a right to know that the privacy of the student's records are the responsibility of the school administration and those people authorized access to the records. Access to a student's record is restricted to their parents, the student and persons with a "need to know" directly associated with the education of the student, e.g., teacher, counselor and school nurse.

All students should have access to their school records. In the case of students under 18 years of age, student access to their records may be restricted if requested by parents. In all cases it is recommended that a professional staff member be available to interpret contents of the record.

A student who has reached 18 years of age is given the rights previously afforded to parents or sponsors with reference to access and jurisdiction of school records.

Persons representing agencies other than the school, will not have access to student records without written permission of parents and/or

student. An exception here is in the case where a student's record may be subpoenaed by a court of law in which case the parents and/or student will be immediately informed.

In the case where it may be considered necessary to collect additional information on a student, other than that collected on all students, individual permission of parent and/or student must be received in each case.

The parent and/or student has the right to refuse to allow the results of such additional information to be entered into the offical record.

The parent and/or student has the right to challenge any information contained in the student's record which is considered of questionable validity and to enter into the official record a statement of their reasons for the challenge.

Responsibilities:

Students and parents have the responsibility to review periodically the student record in order to determine the validity of the contents.

VI. SCHOOL DISCIPLINE

PROCEDURES FOR SUSPENSION AND EXPULSION

Rights:

Students have a right to a school atmosphere conducive to learning which provides for the common welfare and the safety of all in the school community. They have the right to participate in the development of rules and regulations which are within the jurisdiction of school officials.

Students have a right to protection from arbitrary and unreasonable decisions concerning the application of disciplinary measures. In cases involving suspensions* and explusions,* they have a right to careful investigations of all facts and allegations and to the fair application of school rules and installation regulations.

Students have the right to be informed, in writing, of the rules which regulate behavior as well as situations that will result in disciplinary measures, before they take effect. Students shall not be subject to corporal punishment. Students have a right to an informal hearing* in all disciplinary actions, including the syspension process, and a formal hearing* in the expulsion process. Inherent in these rights is the right to appeal all decisions to the next higher authority.

Responsiblities:

Students have the responsiblity to be aware of and to respect the fundamental rights of others according to applicable standards of conduct

or codes of behavior. Students have the responsibility to participate in the development of these standards and codes.

DEFINITIONS:

Suspension: The prohibiting by a school principal of a student from attending school for a period normally not exceeding five (5) days. Suspension in excess of 10 days may require a formal hearing.

Expulsion: A removal by the Area Director of a pupil from school for the remainder of a semester or school year.

Informal Hearing: A discussion between the principal and student to clarify the conditions leading to potential suspension and to allow the student an opportunity to present his or her side of the case. Informal hearings may be delayed temporarily in instances where the student's continued presence poses a danger to other students or a threat to the educational process.

Formal Hearing: A hearing in which the student is given an opportunity to contest allegations which could result in expulsion. In such cases, students and their parents are entitled to a statement of charges in writing prior to the hearing. This statement should also advise students of their entitlement to witnesses in their behalf during the hearing.

SCHOOL TRANSPORTATION BEHAVIOR

Rights:

Students have the right to be informed of the conditions under which they use school transportation. The operational authority for school transportation should develop and implement a code of student behavior for use on vehicles under their jurisdicion. Such authorities should involve students in the development of such codes of student behavior.

Responsibilities:

It is the student's responsibility to abide by these conditions.

VII. RELATIONSHIP WITH NONSCHOOL AGENCIES

COOPERATION WITH INVESTIGATIVE AGENCIES (SEARCH AND SEIZURE)

Rights:

Students have the right to be informed of local regulations and laws and the legal rights with reference to cooperating with investigative agencies and search and seizure.

Search of a student locker is prohibited unless the school principal has a reasonable suspicion that the student is concealing material the possession of which is prohibited by law or in cases of emergency. Students should be afforded the opportunity to be present during searches and parents should be notified immediately of the action.

Searches of students or their personal effects should be made in the presence of a school official by an authorized individual of the same sex as the person being searched.

A blanket search can be authorized only in extreme emergency situations and under the direction of the installation commander or school principal.

Responsibilities:

Legal jurisdiction in overseas military communities is shared by local host nation legal agencies and the installation commander. It is the responsibility of these agencies to protect all citizens by enforcing the laws of the community. It is a responsibility of law enforcement agencies, school authorities, teachers and students to cooperate with

each other in order to insure that the rights of each individual are respected.

In cases where alleged criminal acts are committed by a student on school grounds or during activities under school supervision, students and school personnel have a responsibility to cooperate with investigative agencies. This responsibility extends to alleged criminal acts committed off the school grounds by as a direct result of an incident which occurred under school supervision.

MEDICAL TREATMENT

Rights:

Students have the right to assistance in obtaining information regarding medical resources. Information on this request will not be disseminated.

Responsibilities:

Students have the responsibility to seek proper assistance regarding medical problems.

VIII. RESOURCES

RESOURCES: WHERE TO GO FOR HELP AND INFORMATION

Rights:

Students have the right to be informed of referral sources and where to go for help and information concerning their rights and responsibilities.

Responsibilities:

It is the student's responsibility to seek information.

LIST OF PARTICIPANTS
FOR
STUDENT RIGHTS AND RESPONSIBILITIES CONFERENCE

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Director, Office of Overseas Dependents Education

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